



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 7, 2014

REQUEST: Council Bill #14-0413: for the purpose of adopting the International Green Construction Code (2012 Edition) as part of the Building, Fire, and Related Codes Article of Baltimore City, subject to certain additions, deletions, amendments, and other modifications; providing for certain exceptions and alternatives (such as LEED Silver Certification); conforming, correcting, and clarifying related language; providing for the effect, construction, and effective date of this Ordinance; and generally relating to the Building, Fire, and Related Codes for Baltimore City.

RECOMMENDATION: Approval with Amendments

- Page 4, line 22 Add and spell out the specific language from the IgCC after the words, "101.3 Scope"
- page 4, lines 29-32 strike and replace with,
A structure registered with the Green Building Certification Institute ("GBCI") at a Silver-Level or Higher Rating in the US Green Building Council's LEED (Leadership in Energy and Environmental Design) Rating System scheduled to achieve Certification by GBCI within twelve months of Use and Occupancy.
- Page 15, line 1 Section 610 add and spell out the specific language from the IgCC after the words Building Renewable Energy Systems, and

Edit 610.1 second paragraph to add geothermal as an option for onsite renewable energy system. Add details for % of geothermal and basic system requirements in a new paragraph 610.5 and change the current numbering of 610.5 for System Performance Monitoring and meeting to number 610.6
- Page 4, line 26 add, and ICC 700 Silver as an alternative for multifamily greater than 5 units and 3 stories.

STAFF: Alice Kennedy

PETITIONER(S): Councilmembers Kraft, Stokes, Clarke, Scott, Henry, Middleton

HISTORY

The Baltimore City Green Building Standards (BCGBS) were adopted in 2009 and went live in September of 2010. The current Standards are based on the US Green Building Council LEED® v3.0 (2009) Leadership in Energy and Environmental Design rating program. The BCGBS are based on a point system, and there are a total of 150 points available in the Baltimore City Green Building Standards and approximately 8 Required Credits, depending on the rating program selected. Approximately 87-90 credits are spread throughout six standard credit categories, similar to those found in LEED®. Project Teams have been required to earn a Baltimore City 2-Green Star rating, which is equivalent to a LEED® 2009 v3.0 Silver.

Any LEED project registered after June 1, 2015 must follow LEED v4. The BCGBS mirrors the credits and format of LEED v3. As of June 1, 2015, the BCGBS will not be a LEED Silver equivalent rating system making the BCGBS rating system out of compliance with the City's Green Building Law. LEED v4 is a completely different rating system, both in form and metrics used from LEED v3.

The International Green Construction Code (IgCC) is the first model code to include sustainability measures for the entire construction project and its site — from design through construction, certificate of occupancy and beyond. The IgCC was first published by the ICC in 2012 and was initiated by the International Code Council and the Code Council's Sustainable Building Technology Committee (SBTC) in 2010.

The IgCC is a set of minimum green requirements to be met when building or altering any commercial structure or residential building that is more than three stories tall. Its purpose is to reduce the negative effects of such buildings on our environment. The requirements apply to the entire construction project plus its site, so everyone involved in the building process, from materials manufacturers to design professionals to contractors, is affected.

Building officials will be the code's primary enforcers which makes enforcement and monitoring easier for the Department of Housing and Community Development. Since the IgCC was approved by the State as an acceptable building code, the City will receive training and support resources from the State DHCD upon adoption.

During the 2014 legislative session, House Bill 207 was approved unanimously in both the Maryland House and Senate. It broadens the definition of a “high performance building” to include any building that complies with a nationally recognized and accepted green building code, guideline, or standard that is reviewed and recommended by the Maryland Green Building Council. The State is expected to adopt a version of the 2012 IgCC for its specific use for government building before HB 207 goes into effect on October 1, 2014.

The IgCC is supported by:

- the American Institute of Architects (AIA)
- the U.S. Green Building Council (USGBC), producers of the LEED green building rating systems and,
- The Green Building Initiative (The GBI), which created the Green Globes green building rating system, among others.

While the IgCC's creator, the ICC, is an American entity, the new code is available for use throughout the world.

CONFORMITY TO PLANS

The City of Baltimore Sustainability Plan was adopted in 2009. The Sustainability Plan, in its Green Economy chapter, has a goal to increase green building practices in the City of Baltimore. In addition, the Climate Action Plan, adopted in 2012, and the Disaster Preparedness Project & Plan, adopted in 2013, both call for the adoption of the International Green Construction Code.

ANALYSIS

By adopting the IgCC, the City will broaden the scope of the number of projects required to be built to a green building standard and will address the pending changes to LEED which will make much of the existing green building law obsolete on June 1, 2015 once LEED v4 becomes effective. Currently, the City's mandatory green building law, found in Chapter 37 of the Baltimore City Building Fire and Related Codes ("BCBFRC"), requires all new construction and major renovation of commercial/mixed use projects over 10,000 square feet to be built to LEED Silver or a Baltimore City Green Building Standard ("BCGBS") 2 Green Star Standard. In 2009 the BCGBS was created by an outside contractor and was tied directly to the language in LEED v3. This bill proposes deleting Chapter 37 in its entirety.

The new version of LEED is significantly different in both credit requirement structure and format from the 2009 version. Updating the BCGBS to mirror LEED v4 would be cost prohibitive and implementation would be difficult at best. The IgCC is part of the ICC code family and is an overlay code to the International Building Code, which serves as the basis for our existing building code. The IgCC is the code industry's response/alternative to existing 3rd party verified green building standards.

Because the City is adopting an internationally accepted Code, implementation on the City side will be much easier than implementation of the City's current Green Building Law, which could be confusing and left to interpretation. Applicants will have a better understanding of how to comply with the law/code, because it is common code language understood by building officials, architects, engineers, and all involved in the design, build, and construction process. The Maryland Legislature enacted enabling legislation permitting local governments to adopt the IgCC in 2011, which should allow the City to receive State support for staff training as part of its implementation.

The addition of the ICC 700 as an amendment will support additional greening efforts of residential multi-family construction, and will add the same level of ease of implementation given that the ICC 700 is also an overlay code to the International Building Code. The ICC 700 also has a third party verification system, like the process for LEED certification. Due to its similarity in verification, comprehensive nature of the code, and ease of implementation, adopting the ICC 700 with the IgCC will be beneficial to the City and our green building goals.

This bill is a highly positive measure in that it resolves the pending conflict in existing City Green Building law with LEED v4, covers more buildings, keeps a high threshold for green construction, helps us meet our sustainability goals, is more cost effective for the City and should be more “user friendly” for applicants, while at the same time maintaining LEED as an alternative compliance option for those applicants who still choose to go that path.

NOTIFICATION

The public engagement process included email notifications to the Department of Planning and Sustainability contact lists comprised of over 3000 City stakeholders. In addition to notice of this hearing, they were all invited to an information session which was held on July 21, 2014.

Staff from the Department of Housing and Community Development and the Office of Sustainability has also engaged the US Green Building Council, the Baltimore Chapter of the American Institute of Architects, and the Maryland Homebuilders Association in discussion of the bill, and content.

The City Council is holding three work sessions in August and September to evaluate the bill line by line with opportunity for public comment and input.

A handwritten signature in dark ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with the first name "Thomas" and last name "Stosur" clearly distinguishable.

Thomas J. Stosur
Director